

LETTERS

Concerning support of Army Medical Library.

MEDICAL LIBRARY ASSOCIATION
2 EAST 103RD STREET
NEW YORK, N. Y.

September 25, 1936.

To the Editor:—The Medical Library Association at its annual meeting, June 22, 1936, passed a resolution recommending the appropriation of adequate funds for the Army Medical Library and its *Index-Catalogue*, a copy of which is attached. In order to secure the widest possible attention in medical circles, this resolution is being distributed in four ways:

1. By sending it direct to the President of the United States, and other government officials concerned (in January, 1937).

2. By publication in medical journals.

3. By sending it to our own members, with the request that they urge the organization of which they are a part, as well as all other local medical associations and institutions not members of our Association, to adopt similar resolutions to be sent to their local members of Congress, requesting their support of these measures.

4. By sending it to the secretaries of national and state medical societies, with the request that they urge similar action by their organization.

If it is in any way possible, we beg that you will publish this resolution in your journal, urging your readers to request their congressmen, upon the convening of the new Congress in January, 1937, to support these measures.

What is needed is to bring home to congressmen the fact that the whole medical profession of the country does benefit by this great library and its *Index-Catalogue*, and does want it to have this material. Letters from individual doctors to their congressmen would also carry weight. We hope and believe that a really concerted effort by the entire medical body will help to secure the desired funds for the Army Medical Library.

Very truly yours,

MEDICAL LIBRARY ASSOCIATION.

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The resolution of the national Medical Library Association, recommending the appropriation of adequate funds for the maintenance and growth of the Army Medical Library's book collection and *Index-Catalogue*, follows:

The Medical Library Association, comprising two hundred of the medical libraries of the United States and Canada, assembled in its thirty-eighth annual session in St. Paul, June 22, 1936, notes with pleasure and pride the appearance of Volume 1 of the Fourth Series of the *Index-Catalogue* of the Library of the Surgeon-General's Office, United States Army (Army Medical Library). The Association records with satisfaction the abbreviations and changes in composition in this new volume, effecting a saving of 20 per cent in space with accompanying reduction in cost.

After a delay of three years, during which no volumes of this *Catalogue* were printed, the appearance of this first volume of the fourth series gives renewed assurance of the continuation of this publication, which, together with the Army Medical Library, is considered the outstanding contribution which our country and its Government have made to medical knowledge; and

WHEREAS, The value and usefulness of the *Index-Catalogue* is dependent upon the completeness of the files of medical publications contained in the Library of the Surgeon-General's Office—a public, national, medical library, the greatest in the world, serving in its present form of administration with satisfaction the medical profession and the medical libraries of our country; and

WHEREAS, In recent years the annual appropriation of the Congress has been wholly inadequate to provide sufficient funds to acquire the current medical books and periodicals issued throughout the world, so that they might be available for use throughout the country and for inclusion in the *Index-Catalogue*; therefore be it

Resolved, That the Medical Library Association urges the Congress to appropriate annually to the Library of the Surgeon-General's Office an adequate sum for current medical books and periodicals and for the purchase of

back publications lost during those recent years when the amount granted was grossly inadequate, thus depreciating the completeness and usefulness of the Library's collection; and an additional sufficient sum annually, for as many years as may be required, in order to make for the greatest possible completeness of the collection and its *Catalogue*; and be it further

Resolved, That a sum be appropriated annually to defray the cost of printing regularly each year not less than one volume of the *Index-Catalogue*; and be it further

Resolved, That a copy of these resolutions be spread upon the minutes of the annual meeting of this Association and sent to the President of the United States, the presiding officer of both houses of Congress, the Secretary of War, the Surgeon-General of the Army, and to the national, state, and other medical periodicals with a request for publication, and to the members of this Association, urging the organization of which they are a part and all other medical associations and institutions to adopt similar resolutions to be sent to their local members of Congress requesting their support of these measures.

Concerning legal justification for an abortion.

(Copy)

STATE OF CALIFORNIA
LEGAL DEPARTMENT

San Francisco,

October 19, 1936.

Dear Doctor*:*—*Under date of October 12, 1936, you state as follows:

I am writing you for a little legal advice as a member of the _____ County Medical Society and the California Medical Association. The case is as follows:

A woman is pregnant and wishes an abortion done upon the following grounds: She has a brother who is mentally defective and two cousins that are mentally defective on her mother's side. Her husband has a brother that is mentally defective and there are also cousins on this side of the family that are mentally defective. This woman gave birth to a dead baby, prematurely, some time between the seventh and ninth month—her first pregnancy. Her second pregnancy yielded a boy who appears to be healthy. The third pregnancy produced a boy who is decidedly mentally and physically defective. There is possibly some syphilis in the family history, but this patient herself shows no evidence of syphilis.

Now the question is whether the approximate 65 or 75 per cent of possibility that this pregnancy might produce a defective is sufficient legal reason for producing an abortion. I am willing to do the abortion if it is legal to do so. But, of course, would not for one minute do such a thing unless I have legal justification.

I have talked with several doctors who themselves feel that it would be right to do an abortion in this case. Please let me know if there is anything in the law or court decisions upon this subject—one way or the other.

In reply, please be advised that the question asked by you concerns a private right of your own and not a public one. It should, hence, be referred to private counsel. Under the law it is the privilege and duty of this office to officially advise only certain state officers, boards, commissions and the various district attorneys throughout the State.

I may, however, informally state to you that Section 274 of the Penal Code, as amended in 1935, provides as follows:

Every person who provides, supplies, or administers to any woman, or procures any woman to take any medicine, drug, or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, is punishable by imprisonment in the State prison not less than two nor more than five years.

You will note that the only exception made in the defined offense is that the abortion be "necessary to preserve her (the woman's) life."

The necessity it has been held justifies the act. (*State vs. Fitzporter*, 93 Mo. 390, 6 S. W. 223.)

In *State vs. Rudman*, 136 Atl. 817, the Supreme Judicial Court of Maine recently interpreted a statute similar to our own, as follows:

It is well known that occasion arises where, in the exercise of proper surgical advice and care, it becomes neces-

* Name of physician addressed is omitted.